



STATE OF CALIFORNIA
FRANCHISE TAX BOARD
Telephone (916) 845-4210

**REQUEST FOR ESTATE
INCOME TAX CERTIFICATE**
As required under California Revenue
and Taxation Code Section 19513

R U S H !

PLEASE READ INSTRUCTIONS ON SIDE 2 BEFORE COMPLETING THIS FORM

MAIL TO: TAX CERTIFICATE UNIT MS D-7 PO BOX 1468 SACRAMENTO CA 95812-1468		FILE AT LEAST 30 DAYS PRIOR TO THE COURT HEARING ON FINAL ACCOUNT. APPROXIMATE DATE OF COURT HEARING _____
Estate of _____	Federal Employer Id. No. _____	Date of Death _____
Name of Fiduciary _____	Area Code and Phone No. _____	Decedent's Social Security No. _____
Address of Fiduciary (Number and Street) _____		Probate No. _____
City or Town, State, and ZIP Code _____		County of Probate _____
Name of Attorney _____		Area Code and Phone No. _____
Address of Attorney (Number and Street) _____		Certificate to be Mailed to: <input type="checkbox"/> Attorney <input type="checkbox"/> Fiduciary
City or Town, State, and ZIP Code _____		

ANSWER THESE QUESTIONS AND FURNISH THE REQUIRED DOCUMENTS

1. Was decedent a resident of the State of California on the date of death? _____
(If "no," furnish a copy of the California Estate Tax Return (Form ET-1) and Declaration Concerning Residence (Form IT-2) if filed with the California State Controller).
2. Have probate proceedings been instituted in any other state? _____
3. Value of the assets of this estate on date of death. (Please attach federal Form 706.) _____
(If not exceeding \$1,000,000, a certificate is not required. **See instructions on Side 2.**)
4. Are assets exceeding \$250,000 distributable to one or more nonresident beneficiaries? _____
(If "no," a certificate is not required. **See instructions on Side 2.**)
5. Has a preliminary distribution been made? _____
(If "yes," furnish a copy of the court order authorizing the distribution.)

A return must be filed for all taxable years that have ended (even if a return is not yet due) **or a deposit in the form of cash, check, bond, or otherwise must be made** in an amount to be determined by this office.

DECLARATION REGARDING CALIFORNIA RETURNS FOR DECEDENT AND FOR ESTATE
(To be completed for the four taxable years immediately preceding the date of this request)

A. DECEDENT

California Individual Income Tax Returns (Form 540, 540A, 540 2EZ, or Long or Short Form 540NR) have been filed by or on behalf of the decedent for the following years: _____ . If the returns were not filed for any of the above years, explain in full: _____

B. ESTATE

California Fiduciary Income Tax Returns (Form 541) have been filed for the following years: _____ . If fiduciary returns were not filed for any of the last four years during which the estate was in existence, explain in full: _____

I declare, under penalties of perjury, that the information given above is true to the best of my knowledge and belief.

SIGNATURE OF FIDUCIARY OR REPRESENTATIVE

TITLE

DATE

ALLOW AT LEAST 30 DAYS FOR A RESPONSE TO THIS APPLICATION

INSTRUCTIONS

A. California Revenue and Taxation Code Section 19513 Tax Certificates

For certain estates, Section 19513 prohibits the probate court from allowing the final account of the fiduciary unless the Franchise Tax Board certifies that all taxes have been paid or secured as required by law.

The certificate is only required if an estate meets **BOTH** of the following **TWO** requirements:

- (1) Had assets with a fair market value exceeding \$1,000,000 on the date of death, **AND**
- (2) Is to distribute assets exceeding \$250,000 to one or more nonresident beneficiaries.

In determining if the assets exceed \$1,000,000, include the fair market value of all assets on date of death, wherever situated, for decedents who were California residents. Nonresident decedents should only include the value of those assets located in California.

In determining if assets exceeding \$250,000 are distributable to nonresident beneficiaries, the residency of a trust which is a beneficiary of the decedent's estate is determined by the residency of the trust's fiduciaries and beneficiaries.

Before issuing the certificate, we require payment of all accrued taxes of the decedent and the estate. We may also require cash, check, bond, deposit, or otherwise to secure the payment of any taxes which may later become payable.

The certificate is valid only to the end of the current taxable year. We will only issue a new certificate extending the expiration date when a return is filed for each subsequent year and the tax for that year, if any, is paid.

The certificate is issued to the fiduciary or representative designated on the application. **THE ACTUAL FILING OF THE CERTIFICATE WITH THE COURT IS THE RESPONSIBILITY OF THE FIDUCIARY OR REPRESENTATIVE.**

B. Effect of the Certificate and Continuing Liability of the Fiduciary

The tax certificate issued under California Revenue & Taxation Code Section 19513 does not relieve the estate of liability for any taxes due or which may become due from the decedent or the estate. Neither does the certificate relieve the fiduciary of the personal liability for taxes and other expenses as imposed by California Revenue & Taxation Code Section 19516.

C. Basis of Community Property

For information on determining the basis for community property, write to: FRANCHISE TAX BOARD, PO BOX 942840, SACRAMENTO, CA 94240-0040, or telephone one of the numbers listed under ASSISTANCE.

D. Other Information

A copy of the Final Account of the fiduciary need not be submitted unless we request it.

We may require fiduciaries to withhold tax on California source income distributed to nonresident beneficiaries. Income from intangible personal property such as interest and dividend income or gain from the sale of stocks or bonds is generally not taxable to a nonresident beneficiary and therefore not subject to withholding. Failure to withhold when required may make the fiduciary personally liable for the amount due. For information on determining requirements for withholding, telephone (916) 845-4900 (not toll-free) or write to: FRANCHISE TAX BOARD, NONRESIDENT WITHHOLDING SECTION, PO BOX 651, SACRAMENTO, CA 95812-0651.

Income earned by the estate in the final year in which its assets are distributed pursuant to a decree of final distribution is taxable to the beneficiaries. However, the estate is required to file a final return and properly report the income distribution.

The return for the fractional part of the year prior to death should be computed on the basis of the method of accounting followed by the decedent. Income and deductions for expenses, interest, taxes, and depletion accrued solely by reason of death are not includible in the return of a decedent for the period in which death occurred. Such items should be included in the return of the estate or beneficiary, as the case may be, upon receipt or payment thereof.

Return filing requirements are in the applicable instructions for the:

- Individual Form 540, 540A, 540 2EZ, or Long or Short Form 540NR
- Estate Form 541

E. Returns Required

A final fiduciary return (Form 541) must be filed for the year in which the estate closes if the filing requirements are met. A return should also be filed to establish any excess deductions allowed to beneficiaries in the final year.

A final personal income tax return (Form 540, 540A, 540 2EZ, or Long or Short Form 540NR) filed for a decedent should be marked at the top of the return in block letters: "FINAL."

In addition, please furnish copies of any other returns filed for the decedent or the estate within the last 12 months. Write "**COPY – DO NOT PROCESS**" in bold letters on the face of each return copy. For all original returns you file with this application, attach an additional copy with the words, "**COPY – DO NOT PROCESS**" in bold letters on the face of each copy. Mail the completed certificate and required returns to:

TAX CERTIFICATE UNIT MS D-7
PO BOX 1468
SACRAMENTO CA 95812-1468

ASSISTANCE

Telephone assistance is available from 7 a.m. until 8 p.m. Monday through Friday and from 8 a.m. until 5 p.m. on Saturdays. We may modify these hours without notice to meet operational needs.

From within the United States, call (800) 852-5711

From outside the United States, call (not toll-free) (916) 845-6500

Website at: www.ftb.ca.gov

Assistance for persons with disabilities: We comply with the Americans with Disabilities Act. Persons with hearing or speech impairments, call: from voice phone (800) 735-2922, or from TTY/TDD (800) 822-6268. For all other assistance, please call (800) 852-5711.